IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 17406 of 1997

Between:

A.Shyam Rao, s/o. Late Yadagiri Rao,
R/o. Azamabad, Hyderabad.

..... PETITIONER

AND

1 State of A.P., through its Secretary to Govternment Housing (HB)Department, Secretariat, Hyderabad.
2 Director General , Anti Corruption Bureau, Hyderabad.
3 The Vice Chariman & Housing Commissioner, A P Housing Board, Gruhakalpa, MJ Road, Hyderabad.
4 The Chief Engineer, A P Housing Board at Gruhakalpa, MJ Road, Hyderabad.
5 The Executive Engineer, A.P.Housing Board , Western Division at Kukatpally , R.R.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, order or direction, declaring and setting aside the notice dated. 26.6.1997 issued in ProcgsNo.2875/N5/CE/93/959 on the file of the fourth respondent, as illegal, arbitrary and without jurisdiction; Award costs,

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEVELOPMENT

Counsel for the Respondent No.2: --

Counsel for the Respondent Nos.3 to 5: MR. B.H.R. CHOWDARY

The Court made the following:

ORDER:

The petitioner filed this writ petition seeking to declare the impugned notice issued by the fourth respondent in Proc. No.2875/N5/CE/93/959, dated 26-06-1997 calling upon him to show cause why he should not be blacklisted, as illegal, arbitrary and without jurisdiction, and to set aside the same.

The petitioner claims to be a contractor. He states that he executed the contract work relating to formation of internal roads in Phase-VI of Kukatpally MIG Plotted Development Scheme during the year 1986. He states that in order to blacklist him, the impugned show-cause notice was issued based on a report given by Anti Corruption Bureau and also on the instructions issued by the Government. The impugned notice, it is stated, shows as if it is a final order and the authorities have already decided to blacklist him. His contention is that the Government did not provide him an opportunity of being heard, before taking a decision to blacklist him, and the fourth respondent did not supply him the report of the Anti Corruption Bureau and other necessary material while issuing the impugned notice, and therefore, the impugned notice is issued in violation of the principles of natural justice. Therefore, seeking to set aside the impugned notice, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned counsel for the A.P. Housing Board, and perused the impugned show-cause notice.

A reading of the impugned notice, dated 26-06-1997 shows that the fourth respondent received certain instructions from the Government for blacklisting the petitioner with respect to the work executed by him relating to formation of internal roads at Kukatpally Phase-VI MIG Plotted Development Scheme, and based on the said instructions the fourth respondent decided to black list the petitioner, and thus issued the impugned notice calling for his explanation as to why he should not be blacklisted. Inasmuch as the authorities cannot decide before hand to blacklist the petitioner without supplying him the necessary material and without obtaining an explanation from him, I deem it appropriate to dispose of the writ petition in the following terms:

The petitioner is directed to approach the fourth respondent within a period of four weeks from today, for any material required by him, if he so intends, for the purpose of submitting explanation to the impugned show-cause notice. The fourth respondent shall furnish the material required by the petitioner within a period of ten days from the date of the request made by the petitioner. On receiving such material,

the petitioner shall submit explanation to the impugned show-cause notice, dated 26-06-1997, issued by the fourth respondent, within a period of ten days thereafter. On receipt of such explanation, the fourth respondent is directed to pass appropriate orders thereon in accordance with law. No costs.

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N.V. RAMANA, J

Date: 22-3-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary to Government Housing (HB)Department,
Secretariat, Hyderabad.
2 Director General , Anti Corruption Bureau,
Hyderabad.
3 The Vice Chariman & Housing Commissioner, A P Housing Board,
Gruhakalpa, MJ Road,
Hyderabad.
4 The Chief Engineer, A P Housing Board at Gruhakalpa, MJ Road,
Hyderabad.
5 The Executive Engineer, A.P.Housing Board , Western Division at
Kukatpally , R.R.Dist.

6 Two C.Cs to the Government Pleader for Municipal Administration and Urban Developent, High Court Buildings, Hyderabad.

7 Two C.D.copies.

*Form-NIC-OGS/WP{**MUK**}*